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COUNTY OF SACRAMENTO
(erroneously sued herein as “Sacramento County
Sheriff’s Department”)

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

YAPHETTE GEIGER; JETHRO GEIGER; K.S., a minor, by and through their Guardian, BRANDIE SMITH; K.G., a minor, by and through their Guardian, BRANDI SMITH; and N.G., a minor, by and through their Guardian, ASIA LEE HERON; and JW GEIGER)	Case No.: 2:22-cv-00043-JAM-DB
Plaintiffs)	STIPULATION AND ORDER TO MODIFY SCHEDULING ORDER
v.)	
COUNTY OF SACRAMENTO, SACRAMENTO COUNTY SHERIFF’S DEPARTMENT and DOES 1 through 100, inclusive,)	
Defendants.)	

Plaintiffs Yaphette Geiger; Jethro Geiger; K.S., by and through their Guardian Brandi Smith; K.G. by and through their Guardian Brandi Smith; and N.G. by and through their Guardian Asia Lee Heron, and JW Geiger (hereinafter “Plaintiffs”) and Defendant COUNTY OF SACRAMENTO (hereinafter “Defendant”), by and through their counsel of record (collectively “Parties”), hereby stipulate and request that the Court continue the dispositive motion deadlines and trial deadlines by approximately 90 days, with the exception of trial, due to the Parties’ trial

schedules. Pursuant to the current scheduling order (ECF No. 22), the current schedule is as follows:

- Dispositive Motion Deadline: January 19, 2024
- Hearing on Dispositive Motions: March 26, 2024 at 1:30 p.m.
- Pretrial Conference: May 17, 2024 at 10:00 a.m.
- Trial: July 1, 2024 at 9:00 a.m.

The parties in this case request an extension of all deadlines by approximately ninety days. Accordingly, the respective deadlines would be as follows:

- Dispositive Motion Deadline: April 19, 2024
- Hearing on Dispositive Motions: June 25, 2024 at 1:30 p.m.
- Pretrial Conference: August 16, 2024 at 10:00 a.m.
- Trial: December 9, 2024 at 9:00 a.m.

A scheduling order may only be modified upon a showing of good cause and by leave of court. Fed. R. Civ. Proc. 6(b)(1)(A); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). In considering whether a party moving for a schedule modification has good cause, district courts primarily focus on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at 609.

Defendant has been diligent in conducting discovery after the last modification to the scheduling order. Defendant served written discovery to Plaintiffs in September of 2023. (Declaration of Nicole Cahill (“Cahill Decl.”) ¶ 3.) Defendant also served expert disclosures on September 29, 2023. (Cahill Decl. ¶ 4.) Defendant also attempted to take the depositions of Plaintiffs from April through September of 2023, eventually resorting to the filing of a motion to compel the depositions. (Cahill Decl. ¶¶ 5-6; ECF 23.) Plaintiffs stipulated to an order compelling attendance at depositions on October 25, 2023. (Cahill Decl. ¶ 7; ECF 28.) The depositions of all Plaintiffs, except Asian Heron, moved forward on November 8th and 10th. (Cahill Decl. ¶¶ 7 -8.) The parties filed a Joint Mid-Litigation Statement on November 9, 2023. (ECF 32.) At the time, Plaintiffs’ counsel had indicated multiple times that they intended to file a motion to withdraw as counsel. (See ECF 20, 23, 32; Cahill Decl. ¶ 9.) Because Plaintiffs’

1 counsel had not yet filed a motion to withdraw and due to approaching dispositive motion
2 deadlines, Defendant requested a status conference on December 19, 2023. (ECF 33.) However,
3 the Court's courtroom deputy advised the parties that the Court would not conduct a status
4 conference. (Cahill Decl. ¶ 10.)

5 Defendant has been diligent in defending this case and intends to file a dispositive
6 motion. However, Plaintiffs require additional time to file a motion to withdraw to avoid the
7 filing of the motion after a dispositive motion has been filed. The Parties propose that, should
8 Plaintiffs seek to file a motion to withdraw as counsel, such motion should be filed on or before
9 **February 2, 2024.**

10 For these reasons, good cause exists to modify the scheduling order as outlined above.

11
12 Dated: January 2, 2024

LONGYEAR & LAVRA, LLP

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14 By: /s/ Nicole M. Cahill

VAN LONGYEAR

NICOLE M. CAHILL

DENNY YU

Attorneys for Defendant,

COUNTY OF SACRAMENTO

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16
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18 Dated: January 2, 2024

MOSLEY & ASSOCIATES

19
20 By: /s/ Nathalie Meza Contreras[as authorized 1-2-24]

Walter Mosley, Esq.

Carlos E. Montoya, Esq.

Nathalie Meza Contreras, Esq.

Attorneys for Plaintiffs

ORDER

Good cause having been shown, based on the foregoing Stipulation by the Parties, the Court hereby ORDERS as follows:

Event	Current Schedule	New Schedule
Dispositive Motion Deadline	January 19, 2024	April 19, 2024
Dispositive Motion Hearing	March 26, 2024 at 1:30 p.m.	June 25, 2024, at 01:00 p.m. ¹
Pretrial Conference	May 17, 2024 at 10:00 a.m.	Tuesday, August 13, 2024, at 10:00 a.m.
Trial	July 1, 2024 at 9:00 a.m.	Monday, December 9, 2024, at 9:00 a.m.

All other instructions contained in the May 17, 2022 Pretrial Scheduling Order (ECF No. 16) **SHALL** remain in effect.

Further, based on the Parties' representation that Plaintiffs intend to file a motion to withdraw as counsel, any such motion **SHALL** be filed on or before **February 02, 2024**.

Dated: January 04, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE

¹ Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.